Document 52-1

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Case 2|23-cv-09412-CBM-AGR

SEPARATE STATEMENT OF UNCONTROVERTED FACTS IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT

AND CONSOLIDATED ACTION.

3

4

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TO THE HONORABLE COURT, PLAINTIFFS, AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that Defendants CITY OF HUNTINGTON PARK, NICK NICHOLS, RENE REZA, MATTHEW RINCON, APRIL WHEELER, SAUL RODRIGUEZ, AND JOSE A. YAMASAKI ("Collectively, Defendants") hereby submit the following Response and Objections to Plaintiffs' Response to Defendants Separate Statement of Uncontroverted and Plaintiffs Separate Statement In Support of Opposition to Defendants' Motion for Summary Judgment or, in the alternative, Partial Summary Judgment. Importantly, on March 17 (the eve before Defendants' Reply brief is due for filing), Plaintiffs submitted a Supplemental and Amended Separate Statement seeking to introduce documents not produced in discovery, i.e., Decedent's birth certificate through the declaration of their counsel. Defendants object to the admissibility and introduction of any and all evidence Plaintiffs improperly intend on utilizing that was not produced during the fact discovery period and request this Court to exclude such evidence on that basis.

2021

19

A. PLAINTIFFS' FOURTEENTH AMENDMENT CLAIMS FOR VIOLATION OF SUBSTANTIVE DUE PROCESS MUST BE DISMISSED BECAUSE PLAINTIFFS LACK STANDING

2223

B. PLAINTIFFS EUGENIA GUADALUPE ESPINOZA SALMERON AND KARLA VANESSA BLANDON LACK STANDING TO ASSERT STATE LAW CLAIMS BECAUSE THEY FAILED TO TIMELY FILE A GOVERNMENT CLAIM

2425

C. PLAINTIFFS FAILED TO ALLEGE STATE LAW CLAIMS AGAINST DEFENDANTS

2627

1. Plaintiffs Failed To Timely File A Government Claim For

Negligent Infliction Of Emotional Distress.

2. Negligent Infliction Of Emotional Distress Is Not A Separate Tort Or Cause Of Action Under California Law.

3. It Is Undisputed Juana Miranda and Karla Blandon Were Not Present At The Scene And Thus Cannot Satisfy the Elements of Negligent Infliction of Emotional Distress

	DEFENDANTS' NDISPUTED FACTS ND EVIDENCE IN SUPPORT	PLAINTIFFS' RESPONSE	
1.	Decedent was born in	<u>Undisputed</u> .	
	Nicaragua to William		
	Castillo and Marcia		
	Mendez.		
Gar	cia Declaration, Exhibit		
"A"	Deposition of William		
Cas	tillo, 16:2-3, 10-14;		
19:2	21-24;		
Gar	cia Declaration, Exhibit		
"B"	, Deposition of Juana		
Mir	randa, 9:21-23		
2.	Decedent's biological	<u>Undisputed</u> .	
	mother, Marcia		
	Mendez, left		
	Decedent when he		

1	was forty (40) days		
2	old and was never		
3	heard from again.		
4	Garcia Declaration, Exhibit		
5	"A", Deposition of William		
6	Castillo, 19:21-24.		
7	Garcia Declaration, Exhibit		
8	"B", Deposition of Juana		
9	Miranda, 8:6-15;		
10			
11	3. By the age of two (2),	Objection: lacks	Objection.
12	Decedent was	foundation, assumes	Defendants object to
13	adopted by his	facts as phrased,	Plaintiffs' response
14	grandmother, Juana	vague and	on the grounds that it
15	Miranda Jimenez, and	ambiguous, misstates	constitutes improper
16	his grandfather,	facts. Without	legal argument,
17	Inocente Salgado	waiving and subject	contains improper
18	Peralta, in Nicaragua.	to said objections,	legal conclusions and
19		Plaintiffs respond as	is generally an
20	Garcia Declaration, Exhibit	follows: <u>Undisputed</u>	improper opinion-
21	"A", Deposition of William	in part and disputed	FRE 701. Defendants
22	Castillo, 17:4-14; 18:14-16.	in part.	further object on the
23			grounds that their
24		<u>Undisputed</u> to the	response lacks
25		extent that Decedent	foundation and
26		William Rene	authentication-FRE
27			

1	Salgado Miranda's	901, and consists of
2	living arrangements	inadmissible hearsay-
3	with Juana Maria	FRE 801.
4	Miranda Jimenez and	
5	Inocente Salgado	
6	Peralta was described	
7	as an 'adoption.'	
8		
9	Disputed in all other	
10	respects. In fact, the	
11	death certificate lists	
12	the "informant's	
13	name," as	
14	"WILLIAM	
15	CASTILLO,	
16	FATHER."	
17	(Emphasis Added).	
18	(Exhibit 1 to	
19	Defendants' Request	
20	for Judicial Notice).	
21		
22	The actual details of	
23	this arrangement	
24	paint a different	
25	picture than what	
26	Defendants seek to	
27	conclude. William	
28	5	

1	Omar Castillo
2	Miranda testified that
3	there was no legal
4	adoption (no papers,
5	no notary), and it was
6	a situation where
7	William Omar
8	Castillo Miranda
9	stated his mother
10	(and William Rene
11	Salgado Miranda's
12	grandmother), Juana
13	Maria Miranda
14	Jimenez, wanted to
15	help him out and
16	assist in raising
17	William Rene
18	Salgado Miranda so
19	that he could work
20	and provide for the
21	family, and she
22	would give William
23	his stepfather's last
24	name "Chente."
25	(Castillo Depo, Ex. 2,
26	16:12-14, 17:4-16,
27	22-25, 18:1-6; Juana
28	6

1	Depo, Ex. 3, 8:8-15).
2	
3	Juana Maria Miranda
4	and William Omar
5	Castillo Miranda both
6	testified that William
7	Omar Castillo
8	Miranda was the
9	biological father of
10	William Rene
11	Salgado Miranda and
12	Juana Maria Miranda
13	was the grandmother.
14	(Juana Depo, Ex. 3,
15	8:6-8, 9:21-23;
16	Castillo Depo, Ex. 2,
17	15:10-18). William
18	Omar Castillo
19	Miranda is Juana
20	Maria Miranda
21	Jimenez's son. (Juana
22	Depo, Ex. 3, 9:24-25,
23	10:1). William Omar
24	Castillo Miranda was
25	on the original birth
26	certificate and was
27	present when William
28	7

1	Rene Salgado
2	Miranda was being
3	born. (Castillo Depo,
4	Ex. 2, 16:8-12;
5	Eugenia Depo, Ex. 4,
6	12:2-4). Juana
7	wanted to 'adopt'
8	William Rene
9	Salgado Miranda to
10	make sure that he had
11	a birth certificate.
12	(Juana Depo, Ex. 3,
13	16:12-17, 23-24).
14	
15	Further, William
16	Omar Castillo
17	Miranda held out
18	William Rene
19	Salgado Miranda as
20	his son. (Castillo
21	Depo, Ex. 2, 15:16-
22	18; Juana Depo, Ex.
23	3, 9:21-23;
24	Deposition of Karla
25	Vanessa Blandon
26	("Karla Depo"), Ex.
27	5, 10:15-19).
28	8

1		
2	When Decedent,	
3	William Salgado was	
4	born in 1991 in	
5	Nicaragua, William	
6	Omar Castillo	
7	Miranda was listed as	
8	the biological father	
9	on the original birth	
10	certificate. Castillo	
11	Miranda Dec., Ex.	
12	13, para. 4.	
13		
14	As a matter of	
15	convenience, seven	
16	(7) years later in	
17	1998, William	
18	Salgado's	
19	grandparents were	
20	listed on a birth	
21	certificate because	
22	William's natural	
23	mother had left when	
24	he was forty days old.	
25	William Omar	
26	Castillo Miranda	
27	continued to remain	
28	9	

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1	involved in William's
2	life, and he continued
3	to financially support
4	him and the family,
5	but he needed his
6	parents' help.
7	Castillo Miranda
8	Dec., Ex. 13, para. 5.
9	
10	Decedent William
11	Salgado continued to
12	live with his father
13	William Omar
14	Castillo Miranda
15	under the same roof
16	in Nicaragua for
17	about 10 years.
18	Castillo Miranda
19	Dec., Ex. 13, para. 5.
20	
21	William Omar
22	Castillo Miranda has
23	always held out
24	Decedent, William
25	Salgado as his son,
26	and Decedent,
27	William Salgado
28	10

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1	always recognized
2	William Omar
3	Castillo Miranda as
4	his father. Whenever
5	William Omar
6	Castillo Miranda
7	talked to anyone
8	about Decedent,
9	William Salgado –
10	relatives, friends, or
11	strangers – he always
12	told them that
13	William Salgado is
14	his son. Castillo
15	Miranda Dec., Ex.
16	13, para. 7.
17	
18	Thus, taking all facts
19	in light most
20	favorable to
21	Plaintiffs, William
22	Omar Castillo
23	Miranda was the
24	father of William
25	Rene Salgado
26	Miranda and has
27	standing to assert all
28	11

1		claims in Plaintiffs'	
2		complaint.	
3			
4	4. William Castillo,	Objection: lacks	Objection.
5	Decedent's biological	foundation, assumes	Defendants object to
6	father, consented to	facts as phrased,	Plaintiffs' response
7	the adoption.	misstates facts.	on the grounds that it
8	Garcia Declaration, Exhibit	Without waiving and	constitutes improper
9	"A", Deposition of William	subject to said	legal argument,
10	Castillo, 17:23-25; 18:1-2;	objections, Plaintiffs	contains improper
11		respond as follows:	legal conclusions and
12	43:23-25; 44:1-2	Undisputed in part	is generally an
13		and disputed in	improper opinion-
14		<u>part</u> .	FRE 701. Defendants
15			further object on the
16		<u>Undisputed</u> to the	grounds that their
17		extent that Decedent	response lacks
18		William Rene	foundation and
19		Salgado Miranda's	authentication-FRE
20		living arrangements	901, and consists of
21		with Juana Maria	inadmissible hearsay-
22		Miranda Jimenez and	FRE 801.
23		Inocente Salgado	
24		Peralta was described	
25		as an 'adoption.'	
26			
27		Disputed in all other	
28		12	

1	respects. In fact, the
2	death certificate lists
3	the "informant's
4	name," as
5	"WILLIAM
6	CASTILLO,
7	FATHER."
8	(Emphasis Added).
9	(Exhibit 1 to
10	Defendants' Request
11	for Judicial Notice).
12	
13	The actual details of
14	this arrangement
15	paint a different
16	picture than what
17	Defendants seek to
18	conclude. William
19	Omar Castillo
20	Miranda testified that
21	there was no legal
22	adoption (no papers,
23	no notary), and it was
24	a situation where
25	William Omar
26	Castillo Miranda
27	stated his mother
28	13

1	(and William Rene
2	Salgado Miranda's
3	grandmother), Juana
4	Maria Miranda
5	Jimenez, wanted to
6	help him out and
7	assist in raising
8	William Rene
9	Salgado Miranda so
10	that he could work
11	and provide for the
12	family, and she
13	would give William
14	his stepfather's last
15	name "Chente."
16	(Castillo Depo, Ex. 2,
17	16:12-14, 17:4-16,
18	22-25, 18:1-6; Juana
19	Depo, Ex. 3, 8:8-15).
20	Juana Maria Miranda
21	and William Omar
22	Castillo Miranda both
23	testified that William
24	Omar Castillo Miranda
25	was the biological
26	father of William Rene
27	Salgado Miranda and
28	14

1	Juana Maria Miranda
2	was the grandmother.
3	(Juana Depo, Ex. 3,
4	8:6-8, 9:21-23; Castillo
5	Depo, Ex. 2, 15:10-18).
6	William Omar Castillo
7	Miranda is Juana Maria
8	Miranda Jimenez's
9	son.
10	(Juana Depo, Ex. 3,
11	9:24-25, 10:1).
12	William Omar
13	Castillo Miranda was
14	on the original birth
15	certificate and was
16	present when William
17	Rene Salgado
18	Miranda was being
19	born. (Castillo Depo,
20	Ex. 2, 16:8-12;
21	Eugenia Depo, Ex. 4,
22	12:2-4). Juana
23	wanted to 'adopt'
24	William Rene
25	Salgado Miranda to
26	make sure that he had
27	a birth certificate.
28	15

1	(Juana Depo, Ex. 3,
2	16:12-17, 23-24).
3	
4	Further, William
5	Omar Castillo
6	Miranda held out
7	William Rene
8	Salgado Miranda as
9	his son. (Castillo
10	Depo, Ex. 2, 15:16-
11	18; Juana Depo, Ex.
12	3, 9:21-23; Karla
13	Depo, Ex. 5, 10:15-
14	19).
15	When Decedent,
16	William Salgado was
17	born in 1991 in
18	Nicaragua, William
19	Omar Castillo
20	Miranda was listed as
21	the biological father
22	on the original birth
23	certificate. Castillo
24	Miranda Dec., Ex.
25	13, para. 4.
26	
27	As a matter of
28	16

1	convenience, seven
2	(7) years later in
3	1998, William
4	Salgado's
5	grandparents were
6	listed on a birth
7	certificate because
8	William's natural
9	mother had left when
10	he was forty days old.
11	William Omar
12	Castillo Miranda
13	continued to remain
14	involved in William's
15	life, and he continued
16	to financially support
17	him and the family,
18	but he needed his
19	parents' help.
20	Castillo Miranda
21	Dec., Ex. 13, para. 5.
22	
23	Decedent William
24	Salgado continued to
25	live with his father
26	William Omar
27	Castillo Miranda
28	17

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1	under the same roof
2	in Nicaragua for
3	about 10 years.
4	Castillo Miranda
5	Dec., Ex. 13, para. 5.
6	
7	William Omar
8	Castillo Miranda has
9	always held out
10	Decedent, William
11	Salgado as his son,
12	and Decedent,
13	William Salgado
14	always recognized
15	William Omar
16	Castillo Miranda as
17	his father. Whenever
18	William Omar
19	Castillo Miranda
20	talked to anyone
21	about Decedent,
22	William Salgado –
23	relatives, friends, or
24	strangers – he always
25	told them that
26	William Salgado is
27	his son. Castillo
28	18

I			
1		Miranda Dec., Ex.	
2		13, para. 7.	
3			
4		Thus, taking all facts	
5		in light most	
6		favorable to	
7		Plaintiffs, William	
8		Omar Castillo	
9		Miranda was the	
10		father of William	
11		Rene Salgado	
12		Miranda and has	
13		standing to assert all	
14		claims in Plaintiffs'	
15		complaint.	
16			
17	5. Juana Miranda	Objection: lacks	Objection.
18	Jimenez and Inocente	foundation, assumes	Defendants object to
19	Salgado raised	facts as phrased,	Plaintiffs' response
20	Decedent.	misstates facts.	on the grounds that it
21	Garcia Declaration, Exhibit	Without waiving and	constitutes improper
22	"A", Deposition of William	subject to said	legal argument,
23	Castillo, 16:10-14	objections, Plaintiffs	contains improper
24	Casimo, 10.10 17	respond as follows:	legal conclusions and
25		Undisputed in part	is generally an
26		and disputed in part	improper opinion-
27			FRE 701. Defendants
28		19	

- 1		
1		further object on the
2	Undisputed to the	grounds that their
3	extent that Decedent	response lacks
4	William Rene	foundation and
5	Salgado Miranda's	authentication-FRE
6	living arrangements	901, and consists of
7	with Juana Maria	inadmissible hearsay-
8	Miranda Jimenez and	FRE 801.
9	Inocente Salgado	
10	Peralta were	
11	described as an	
12	'adoption.'	
13		
14	<u>Disputed</u> in all other	
15	respects. In fact, the	
16	death certificate lists	
17	the "informant's	
18	name," as	
19	"WILLIAM	
20	CASTILLO,	
21	FATHER."	
22	(Emphasis Added).	
23	(Exhibit 1 to	
24	Defendants' Request	
25	for Judicial Notice).	
26		
27	The actual details of	
28	20	

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1	this arrangement
2	paint a different
3	picture than what
4	Defendants seek to
5	conclude. William
6	Omar Castillo
7	Miranda testified that
8	there was no legal
9	adoption (no papers,
10	no notary), and it was
11	a situation where
12	William Rene
13	Salgado Miranda
14	stated his mother
15	(and William Rene
16	Salgado Miranda's
17	grandmother), Juana
18	Maria Miranda
19	Jimenez, wanted to
20	help him out and
21	raise him so that he
22	could work and
23	provide for the
24	family, and she
25	would give William
26	his stepfather's last
27	name "Chente".
28	21

1	(Castillo Depo, Ex. 2,
2	16:12-14, 17:4-16,
3	22-25, 18:1-6; Juana
4	Depo, Ex. 3, 8:8-15).
5	
6	Juana Maria Miranda
7	and William Omar
8	Castillo Miranda both
9	testified that William
10	Omar Castillo Miranda
11	was the biological
12	father of William Rene
13	Salgado Miranda and
14	Juana Maria Miranda
15	was the grandmother.
16	(Juana Depo, Ex. 3,
17	8:6-8, 9:21-23; Castillo
18	Depo, Ex. 2, 15:10-18).
19	William Omar Castillo
20	Miranda is Juana Maria
21	Miranda Jimenez's
22	son.
23	(Juana Depo, Ex. 3,
24	9:24-25, 10:1).
25	William Omar
26	Castillo Miranda was
27	on the original birth
28	22

1	certificate and was
2	present when William
3	Rene Salgado
4	Miranda was being
5	born. (Castillo Depo,
6	Ex. 2, 16:8-12;
7	Eugenia Depo, Ex. 4,
8	12:2-4). Juana
9	wanted to 'adopt'
10	William Rene
11	Salgado Miranda to
12	make sure that he had
13	a birth certificate.
14	(Juana Depo, Ex. 3,
15	16:12-17, 23-24).
16	Further, William
17	Omar Castillo
18	Miranda held out
19	William Rene
20	Salgado Miranda as
21	his son. (Castillo
22	Depo, Ex. 2, 15:16-
23	18; Juana Depo, Ex.
24	3, 9:21-23; Karla
25	Depo, Ex. 5, 10:15-
26	19).
27	
28	23

1	When Decedent,
2	William Salgado was
3	born in 1991 in
4	Nicaragua, William
5	Omar Castillo
6	Miranda was listed as
7	the biological father
8	on the original birth
9	certificate. Castillo
10	Miranda Dec., Ex.
11	13, para. 4.
12	
13	As a matter of
14	convenience, seven
15	(7) years later in
16	1998, William
17	Salgado's
18	grandparents were
19	listed on a birth
20	certificate because
21	William's natural
22	mother had left when
23	he was forty days old.
24	William Omar
25	Castillo Miranda
26	continued to remain
27	involved in William's
28	24

1	life, and he continued
2	to financially support
3	him and the family,
4	but he needed his
5	parents' help.
6	Castillo Miranda
7	Dec., Ex. 13, para. 5.
8	
9	Decedent William
10	Salgado continued to
11	live with his father
12	William Omar
13	Castillo Miranda
14	under the same roof
15	in Nicaragua for
16	about 10 years.
17	Castillo Miranda
18	Dec., Ex. 13, para. 5.
19	
20	William Omar
21	Castillo Miranda has
22	always held out
23	Decedent, William
24	Salgado as his son,
25	and Decedent,
26	William Salgado
27	always recognized
28	25

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1	William Omar
2	Castillo Miranda as
3	his father. Whenever
4	William Omar
5	Castillo Miranda
6	talked to anyone
7	about Decedent,
8	William Salgado –
9	relatives, friends, or
10	strangers – he always
11	told them that
12	William Salgado is
13	his son. Castillo
14	Miranda Dec., Ex.
15	13, para. 7.
16	
17	Thus, taking all facts
18	in light most
19	favorable to
20	Plaintiffs, William
21	Omar Castillo
22	Miranda was the
23	father of William
24	Rene Salgado
25	Miranda and has
26	standing to assert all
27	claims in Plaintiffs'
28	26

1		complaint.	
2			
3	6. In 2002, William	Objection: lacks	Objection.
4	Castillo left	foundation, assumes	Defendants object to
5	Nicaragua and arriv	ed facts as phrased,	Plaintiffs' response
6	in the United States		on the grounds that it
7	Garcia Declaration, Exhib	and misstates facts	constitutes improper
8		Without waiving and	legal argument,
9	"A", Deposition of William	subject to said	contains improper
10	Castillo, 21:23-25; 22:1-5	objections, Plaintiffs	legal conclusions and
11		respond as follows:	is generally an
12		Undisputed in part	improper opinion-
13		and disputed in	FRE 701. Defendants
14		<u>part</u> .	further object on the
15			grounds that their
16		<u>Undisputed</u> solely to	response lacks
17		the extent that	foundation and
18		William Omar	authentication-FRE
19		Castillo Miranda left	901, and consists of
20		Nicaragua to live in	inadmissible hearsay-
21		the United States.	FRE 801.
22			
23		<u>Disputed</u> to the extent	
24		this fact is proffered to	
25		show that William	
26		Omar Castillo Miranda	
27		abandoned or	
28	1	27	1

1	otherwise was
2	disavowing William
3	Rene Salgado Miranda.
4	Juana Maria Miranda
5	and William Omar
6	Castillo Miranda both
7	testified thatWilliam
8	Omar Castillo Miranda
9	was the biological
10	father of William Rene
11	Salgado Miranda and
12	Juana Maria Miranda
13	was the grandmother.
14	(Juana Depo, Ex. 3,
15	8:6-8, 9:21-23; Castillo
16	Depo, Ex. 2, 15:10-18).
17	William Omar Castillo
18	Miranda was on the
19	original birth certificate
20	and was present when
21	William Rene Salgado
22	Miranda was being
23	born. (Castillo Depo,
24	Ex. 2, 16:8-12;
25	Eugenia Depo, Ex. 4,
26	12:2-4). The only
27	reason Juana wanted to
28	28

1	'adopt' William Rene
2	Salgado Miranda to
3	make sure that he had a
4	birth certificate. (Juana
5	Depo, Ex. 3, 16:12-17,
6	23-24).
7	
8	Further, William
9	Omar Castillo
10	Miranda held out
11	William Rene
12	Salgado Miranda as
13	his son. (Castillo
14	Depo, Ex. 2, 15:16-
15	18; Juana Depo, Ex.
16	3, 9:21-23; Karla
17	Depo, Ex. 5, 10:15-
18	19).
19	
20	When Decedent,
21	William Salgado was
22	born in 1991 in
23	Nicaragua, William
24	Omar Castillo
25	Miranda was listed as
26	the biological father
27	on the original birth
28	29

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1	certificate. Castillo
2	Miranda Dec., Ex.
3	13, para. 4.
4	
5	As a matter of
6	convenience, seven
7	(7) years later in
8	1998, William
9	Salgado's
10	grandparents were
11	listed on a birth
12	certificate because
13	William's natural
14	mother had left when
15	he was forty days old.
16	William Omar
17	Castillo Miranda
18	continued to remain
19	involved in William's
20	life, and he continued
21	to financially support
22	him and the family,
23	but he needed his
24	parents' help.
25	Castillo Miranda
26	Dec., Ex. 13, para. 5.
27	
28	30

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1	Decedent William
2	Salgado continued to
3	live with his father
4	William Omar
5	Castillo Miranda
6	under the same roof
7	in Nicaragua for
8	about 10 years.
9	Castillo Miranda
10	Dec., Ex. 13, para. 5.
11	
12	William Omar
13	Castillo Miranda has
14	always held out
15	Decedent, William
16	Salgado as his son,
17	and Decedent,
18	William Salgado
19	always recognized
20	William Omar
21	Castillo Miranda as
22	his father. Whenever
23	William Omar
24	Castillo Miranda
25	talked to anyone
26	about Decedent,
27	William Salgado –
28	31

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1 2		relatives, friends, or
$_{2} \parallel$		101011.00, 11101100, 01
~		strangers – he always
3		told them that
4		William Salgado is
5		his son. Castillo
6		Miranda Dec., Ex.
7		13, para. 7.
8		
9		Thus, taking all facts
10		in light most
11		favorable to
12		Plaintiffs, William
13		Omar Castillo
14		Miranda was the
15		father of William
16		Rene Salgado
17		Miranda and has
18		standing to assert all
19		claims in Plaintiffs'
20		complaint.
21		
22	7. In 2007, William	<u>Undisputed</u> .
23	Castillo returned to	
24	Nicaragua to marry	
25	Eugenia Espinoza	
26	Salmeron, the	
27		

Decedent's		
stepmother.		
_		
Garcia Declaration, Exhibit		
"A", Deposition of William		
Castillo, 22:6-7; 18:17-24		
8. Juana Miranda	<u>Undisputed</u> .	
ultimately arrived in		
the United States.		
Garcia Declaration, Exhibit		
"B", Deposition of Juana		
Miranda, 10:18-22; 11:2-4,		
24-25; 12:2-4		
,		
9. Juana Miranda sent	Undisputed.	
	Chaispatea.	
for Decedent, and		
Decedent arrived in		
the United States.		
Garcia Declaration, Exhibit		
"B", Deposition of Juana		
Miranda, 11:2-4, 24-25.		
10. Following his arrival	Objection vague,	Objection.
in the United States,	ambiguous, assumes	Defendants object to
Decedent lived with	facts as phrased, and	Plaintiffs' response
2 coddin ii vod Willi	misstates facts.	on the grounds that it

1	his grandmother in	Without waiving and	constitutes improper
2	Los Angeles, until he	subject to said	legal argument,
3	reached the age of	objections, Plaintiffs	contains improper
4	eighteen.	respond as follows:	legal conclusions and
5	Garcia Declaration, Exhibit	Undisputed in part	is generally an
6	"B", Deposition of Juana	and disputed in	improper opinion-
7	Miranda, 12:9-14; 14:9-15	<u>part</u> .	FRE 701. Defendants
8	1711141144, 12.5 11, 11.5 15		further object on the
9		<u>Undisputed</u> to the	grounds that their
10		extent William Rene	response lacks
11		Salgado lived with	foundation and
12		Juana Maria Miranda	authentication-FRE
13		Jimenez at some	901, and consists of
14		point in his life.	inadmissible hearsay-
15			FRE 801.
16		Disputed to the	
17		extent this fact is	
18		proffered to suggest	
19		that Juana Maria	
20		Miranda somehow	
21		has no standing to	
22		assert a claim under	
23		the 14th Amendment.	
24		The facts, taken in	
25		favor of the	
26		nonmoving party,	
27		nonnoving party,	

1	show that William
2	Rene Salgado
3	Miranda and Juana
4	Maria Miranda
5	maintained a close
6	familial relationship;
7	Juana testified in her
8	sworn deposition that
9	William Rene
10	Salgado would call
11	her 'daily,' and she
12	bought him a
13	cellphone,
14	presumably to
15	encourage this
16	communication.
17	(Juana Depo, Ex. 3,
18	28:8-14).
19	Additionally,
20	Disputed to the
21	extent that somehow
22	this fact is proffered
23	to suggest that
24	somehow William
25	Omar Castillo
26	Miranda, Osmar
27	Antonio Castillo
28	35

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1	Blandon, and O.C.E.
2	do not have standing
3	to assert Negligent
4	Infliction of
5	Emotional Distress.
6	As set forth <i>infra</i> in
7	this Response,
8	Plaintiffs'
9	Undisputed Material
10	Facts, and supporting
11	evidence, William
12	Omar Castillo
13	Miranda is the
14	biological father of
15	Decedent, and
16	Plaintiffs, Osmar
17	Antonio Castillo
18	Blandon and O.C.E.
19	are the biological
20	brothers of Decedent.
21	
22	On and prior to
23	October 30, 2022,
24	William Rene
25	Salgado Miranda
26	resided with
27	Plaintiffs, William
28	36

1	Omar Castillo
2	Miranda, Eugenia
3	Espinoza, Osmar
4	Antonio Castillo
5	Blandon, and O.C.E.
6	in the apartment
7	located at 6315
8	Malabar Avenue,
9	City of Huntington
10	Park, and had done so
11	since 2021 (and
12	perhaps earlier).
13	(Castillo Depo, Ex. 2,
14	34:3-10, 37:24-25,
15	38:1-3; O.C.E. Depo,
16	Ex. 7, 16:19-25;
17	Osmar Depo, Ex. 6,
18	30:16-25; Karla
19	Depo, Ex. 5, 13:7-13,
20	14:2-4, 13-17;
21	Declaration of Osmar
22	Antonio Castillo
23	Blandon, Ex. 14,
24	para. 5.)
25	
26	Thus, taking all facts
27	in light most
28	37

- 1			
1		favorable to	
2		Plaintiffs, William	
3		Omar Castillo	
4		Miranda, Osmar	
5		Antonio Castillo	
6		Blandon, and O.C.E.	
7		have all established	
8		standing to assert all	
9		claims in Plaintiffs'	
10		complaint.	
11			
12	11. Decedent had a	Objection vague,	Objection.
13	longtime girlfriend,	ambiguous, assumes	Defendants object to
14	Elsa Acosta, and he	facts as phrased, and	Plaintiffs' response
15	moved out of his	misstates facts.	on the grounds that it
16	grandmother's home	Without waiving and	constitutes improper
17	to live with her.	subject to said	legal argument,
18	Garcia Declaration, Exhibit	objections, Plaintiffs	contains improper
19	"B", Deposition of Juana	respond as follows:	legal conclusions and
20	Miranda, 13:15-23; 14:9-15	Undisputed in part	is generally an
21	Miranda, 15.15-25, 14.9-15	and disputed in	improper opinion-
22		<u>part</u> .	FRE 701. Defendants
23			further object on the
24		<u>Undisputed</u> to the	grounds that their
25		extent William Rene	response lacks
26		Salgado had a	foundation and
27		longtime girlfriend	authentication-FRE
28		38	

1	(Elsa Acosta) that he	901, and consists of
2	lived with at some	inadmissible hearsay-
3	point in his life.	FRE 801.
4		
5	Disputed to the	
6	extent this fact is	
7	proffered to suggest	
8	that Juana Maria	
9	Miranda somehow	
10	has no standing to	
11	assert a claim under	
12	the 14th Amendment.	
13	The facts, taken in	
14	favor of the	
15	nonmoving party,	
16	show that William	
17	Rene Salgado	
18	Miranda and Juana	
19	Maria Miranda	
20	maintained a close	
21	familial relationship;	
22	Juana testified in her	
23	sworn deposition that	
24	William Rene	
25	Salgado would call	
26	her 'daily,' and she	
27	bought him a	
28	39	

1	cellphone,
2	presumably to
3	encourage this
4	communication.
5	(Juana Depo, Ex. 3,
6	28:8-14)
7	
8	Additionally,
9	Disputed to the
10	extent that somehow
11	this fact is proffered
12	to suggest that
13	somehow William
14	Omar Castillo
15	Miranda, Osmar
16	Antonio Castillo
17	Blandon, and O.C.E.
18	do not have standing
19	to assert Negligent
20	Infliction of
21	Emotional Distress.
22	As set forth <i>infra</i> in
23	this Response,
24	Plaintiffs'
25	Undisputed Material
26	Facts, and supporting
27	evidence, William
28	40

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1	Omar Castillo
2	Miranda is the
3	biological father of
4	Decedent, and
5	Plaintiffs, Osmar
6	Antonio Castillo
7	Blandon and O.C.E.
8	are the biological
9	brothers of Decedent.
10	
11	On and prior to
12	October 30, 2022,
13	William Rene
14	Salgado Miranda
15	resided with
16	Plaintiffs, William
17	Omar Castillo
18	Miranda, Eugenia
19	Espinoza, Osmar
20	Antonio Castillo
21	Blandon, and O.C.E.
22	in the apartment
23	located at 6315
24	Malabar Avenue,
25	City of Huntington
26	Park, and had done so
27	since 2021 (and
28	41

1	perhaps earlier).
2	(Castillo Depo, Ex. 2,
3	34:3-10, 37:24-25,
4	38:1-3; O.C.E. Depo,
5	Ex. 7, 16:19-25;
6	Osmar Depo, Ex. 6,
7	30:16-25; Karla
8	Depo, Ex. 5, 13:7-13,
9	14:2-4, 13-17;
10	Declaration of Osmar
11	Antonio Castillo
12	Blandon, Ex. 14,
13	para. 5.)
14	
15	Thus, taking all facts
16	in light most
17	favorable to
18	Plaintiffs, William
19	Omar Castillo
20	Miranda, Osmar
21	Antonio Castillo
22	Blandon, and O.C.E.
23	have all established
24	standing to assert all
25	claims in Plaintiffs'
26	complaint.
27	
28	42

12.	Over their years	<u>Undisputed</u> .	
	together, Ms. Acosta		
	and Decedent had		
	four children		
	together.		
Garc	cia Declaration, Exhibit		
"A",	Deposition of William		
Cast	illo, 27: 18-25; 28:1-2;		
28:1	9-14; 29:5-8		
13.	However, Decedent	<u>Undisputed</u> .	
	and Ms. Acosta were		
	never married.		
Garc	cia Declaration, Exhibit		
"A",	Deposition of William		
Cast	illo, 28: 5-8.		
Gard	eia Declaration, Exhibit		
"B",	Deposition of Juana		
Mira	anda, 11:2-4, 24-25;		
13:6	-14; 14:2-8		
14.	In October of 2022,	Objection: vague and	Objection.
	Decedent was living	ambiguous as phrased	Defendants object to
	with his biological	and as to time, lacks	Plaintiffs' response
	father, William	foundation, assumes	on the grounds that it

1	Castillo, his	facts, and misstates	constitutes improper
2	stepmother, Eugenia	facts and evidence as	legal argument,
3	Espinoza Salmeron,	phrased. Without	contains improper
4	and his two siblings,	waiving and subject	legal conclusions and
5	Oscar Castillo and	to said objections,	is generally an
6	Osmar Castillo, in	Plaintiffs respond as	improper opinion-
7	Huntington Park.	follows: <u>Undisputed</u>	FRE 701. Defendants
8	Garcia Declaration, Exhibit	in part and	further object on the
9	"A", Deposition of William	Disputed in part.	grounds that their
10	Castillo, 29: 9-14; 34:3-6;		response lacks
11	45:3-9.	<u>Undisputed</u> to the	foundation and
12	Garcia Declaration, Ex. "C"	extent that William	authentication-FRE
13	Deposition of Oscar	Rene Salgado	901, and consists of
14	Castillo, 14:18-22	Miranda lived with	inadmissible hearsay-
15	Custino, 11.10 22	Plaintiffs, William	FRE 801.
16		Omar Castillo	
17		Miranda, Eugenia	
18		Jimenez, Osmar	
19		Antonio Castillo	
20		Blandon, and Oscar	
21		Castillo in October of	
22		2022.	
23			
24		Disputed in all other	
25		respects, including to	
26		the extent that this	
27		fact is proffered to	
28		44	<u> </u>

1	suggest that William
2	Rene Salgado
3	Miranda lived with
4	Plaintiffs only in
5	October of 2022, in
6	an effort to somehow
7	minimize the depth of
8	the relationship
9	between Plaintiffs
10	and Decedent.
11	Plaintiffs all testified
12	that William Rene
13	Salgado Miranda
14	lived with them
15	throughout 2021 and
16	2022, and while
17	William Rene
18	Salgado would
19	sometimes live
20	elsewhere, he would
21	return. (Castillo
22	Depo, Ex. 2, 34:3-10,
23	37:24-25, 38:1-3;
24	O.C.E. Depo, Ex. 7,
25	16:19-25; Osmar
26	Depo, Ex. 6, 30:16-
27	25; Karla Depo, Ex.
28	45

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1	5, 13:7-13, 14:2-4,
2	13-17; Declaration of
3	Osmar Antonio
4	Castillo Blandon, Ex.
5	14, para. 5.).
6	
7	Taken in a light most
8	favorable to the
9	nonmoving party,
10	William Rene
11	Salgado Miranda
12	thought of them as
13	family and knew he
14	always had a place to
15	go if he wanted to be
16	there.
17	
18	Additionally,
19	Disputed to the
20	extent that somehow
21	this fact is proffered
22	to suggest that
23	somehow William
24	Omar Castillo
25	Miranda, Osmar
26	Antonio Castillo
27	Blandon, and O.C.E.
28	46

1	do not have standing
2	to assert Negligent
3	Infliction of
4	Emotional Distress.
5	As set forth <i>infra</i> in
6	this Response,
7	Plaintiffs'
8	Undisputed Material
9	Facts, and supporting
10	evidence, William
11	Omar Castillo
12	Miranda is the
13	biological father of
14	Decedent, and
15	Plaintiffs, Osmar
16	Antonio Castillo
17	Blandon and O.C.E.
18	are the biological
19	brothers of Decedent.
20	
21	Thus, taking all facts
22	in light most
23	favorable to
24	Plaintiffs, William
25	Omar Castillo
26	Miranda, Osmar
27	Antonio Castillo
28	47

1		Blandon, and O.C.E.	
2		have all established	
3		standing to assert all	
4		claims in Plaintiffs'	
5		complaint.	
6			
7	15. On October 30, 2022,	Objection: misstates	Objection.
8	at approximately 5:00	facts, lacks	Defendants object to
9	p.m., Huntington Park	foundation, assumes	Plaintiffs' response
10	Police Officers were	facts, vague,	on the grounds that it
11	dispatched to 6315	ambiguous, and calls	constitutes improper
12	Malabar Street in	for an expert opinion.	legal argument,
13	Huntington Park	Without waiving and	contains improper
14	regarding a suicidal	subject to said	legal conclusions and
15	male armed with a	objections, Plaintiffs	is generally an
16		respond as follows:	improper opinion-
17	gun.	Undisputed in part	FRE 701. Defendants
18	Garcia Declaration, Ex. "E"	and disputed in	further object on the
19	Deposition of Officer Jose	part.	grounds that their
20	Yamasaki, 17:7-24		response lacks
21		<u>Undisputed</u> to the	foundation and
22		extent that	authentication-FRE
23		Huntington Park	901, and consists of
24		Police Officers were	inadmissible hearsay-
25		dispatched to 6315	FRE 801.
26		Malabar Street in	
27		Huntington Park.	
28		48	

1	
2	Disputed that
3	William Rene
4	Salgado Miranda was
5	a "suicidal male
6	armed with a gun."
7	William Rene
8	Salgado displayed no
9	signs of being
10	distressed, suicidal,
11	and in fact all of his
12	family members at
13	scene that day stated
14	he was 'normal,' and
15	happy; indeed,
16	everything was 'fine.'
17	(Castillo Depo, Ex. 2,
18	61:24-25, 62:3-6;
19	104:18-21; Eugenia
20	Depo, Ex. 4, 48:7-9,
21	12, 14-15, 19-20;
22	Osmar Depo, Ex. 6,
23	29:8-18; O.C.E.
24	Depo, Ex. 7, 57:18-
25	25, 58:1-7, 61:6-11).
26	
27	City of Huntington
28	49

	_		
1			Park Defendant
2			Police Officers, Rene
3			A. Reza, Jose
4			Yamasaki, Nick
5			Nichols, Matthew
6			Rincon, and Lt. Saul
7			Rodriguez, all
8			testified in their
9			depositions that
10			Decedent, William
11			Salgado did not have
12			a gun on him at any
13			time. (Reza Depo,
14			Ex. 8, 8:19-20;
15			Yamasaki Depo, Ex.
16			9, 41:3-4; Nichols
17			Depo, Ex. 10, 52:6-8;
18			Rincon Depo, Ex. 11,
19			20:10-14; Rodriguez
20			Depo, Ex. 12, 53:3-5,
21			15-17).
22			
23	16.	HPPD Officers	<u>Undisputed</u> .
24		encountered Decedent	
25		in the courtyard of the	
26		apartment complex.	
27		aparament complex.	
- 1	1		

.	
1	Garcia Declaration, Ex. "C"
2	Deposition of Oscar
3	Castillo, 36:11-21; 65:12-15
4	Garcia Declaration, Ex. "E"
5	Deposition of Officer Jose
6	Yamasaki, 25:7-20; 31:14-
7	22, 40:11-13
8	
9	17. Ultimately, the <u>Undisputed</u> .
10	encounter resulted in
11	
12	the death of
13	Decedent.
14	Garcia Declaration, Exhibit
15	"A", Deposition of William
16	Castillo, 79:11-13.
17	Garcia Declaration, Exhibit
18	"B", Deposition of Juana
19	Miranda, 33:25,
20	34:1-8
21	18. Decedent was thirty <u>Undisputed</u> .
22	(30) years old at the
23	time of his death.
24	Garcia Declaration, Exhibit
25	"A". Deposition of William
26	Castillo, 15:23-25;16:1
27	

1	Garcia Declaration, Exhibit	
2	"B", Deposition of Juana	
3	Miranda, 9:18-20	
4		
5	19. Decedent's	<u>Undisputed</u> .
6		Ondisputed.
7	grandmother, Juana	
8	Miranda, was not	
9	present at the scene	
10	when the incident	
11	occurred.	
12	Garcia Declaration, Exhibit	
13	"B", Deposition of Juana	
14	Miranda, 33:13-24	
15		
16 17 18 19 20 21 22 23 24 25	20. Decedent's sister, Karla Blandon, was not present at the scene when the incident occurred. Garcia Declaration, Exhibit "D", Deposition of Karla Blandon, 21:7-25; 22:1-9, 21-25	<u>Undisputed.</u>
26		
27		

28

Decedent is survived by his four children: D.S., a minor, J.S., a minor, C.S., a minor and M.S., a minor.

Garcia Declaration, Exhibit "A", Deposition of William Castillo, 27: 18-25; 28:1-2; 28:19-14; 29:5-8.

Garcia Declaration, Exhibit "B", Deposition of Juana Miranda, 14:24-25; 15: 1-12

Objection: vague, ambiguous, misstates facts and calls for a legal conclusion from a lay witness Without waiving and subject to said objections, Plaintiffs respond as follows:

Undisputed in part

and disputed in

part.

Undisputed solely to the extent that William Rene Salgado Miranda left behind four minor children when police officers from City of Huntington Park and its Police Department shot and killed him.

<u>Disputed</u> in all other respects, including but not limited to the

Objection.

Defendants object to Plaintiffs' response on the grounds that it constitutes improper legal argument, contains improper legal conclusions and is generally an improper opinion-FRE 701. Defendants further object on the grounds that their response lacks foundation and authentication-FRE 901, and consists of inadmissible hearsay-FRE 801.

- 1	
1	extent this fact is
2	proffered to allege
3	that Plaintiffs have no
4	causes of action as to
5	Defendants in this
6	action. In fact, the
7	death certificate lists
8	the "informant's
9	name," as
10	"WILLIAM
11	CASTILLO,
12	FATHER."
13	(Emphasis Added).
14	(Exhibit 1 to
15	Defendants' Request
16	for Judicial Notice).
17	
18	To the contrary,
19	Plaintiffs have alleged
20	and meet the prima
21	facie threshold to
22	maintain causes of
23	action for Negligent
24	Infliction of Emotional
25	Distress and violation
26	of their familial
27	relationships under the
28	54

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1	14 th Amendment. As
2	set forth <i>infra</i> in this
3	Response, Plaintiffs'
4	Undisputed Material
5	Facts, and supporting
6	evidence, William
7	Omar Castillo Miranda
8	is the biological father
9	of Decedent, and
10	Plaintiffs, Osmar
11	Antonio Castillo
12	Blandon and O.C.E.
13	are the biological
14	brothers of Decedent.
15	
16	When Decedent,
17	William Salgado was
18	born in 1991 in
19	Nicaragua, William
20	Omar Castillo
21	Miranda was listed as
22	the biological father
23	on the original birth
24	certificate. Castillo
25	Miranda Dec., Ex.
26	13, para. 4.
27	
28	55

1	As a matter of
2	convenience, seven
3	(7) years later in
4	1998, William
5	Salgado's
6	grandparents were
7	listed on a birth
8	certificate because
9	William's natural
10	mother had left when
11	he was forty days old.
12	William Omar
13	Castillo Miranda
14	continued to remain
15	involved in William's
16	life, and he continued
17	to financially support
18	him and the family,
19	but he needed his
20	parents' help.
21	Castillo Miranda
22	Dec., Ex. 13, para. 5.
23	
24	Decedent William
25	Salgado continued to
26	live with his father
27	William Omar
28	56

1	Castillo Miranda
2	under the same roof
3	in Nicaragua for
4	about 10 years.
5	Castillo Miranda
6	Dec., Ex. 13, para. 5.
7	
8	William Omar
9	Castillo Miranda has
10	always held out
11	Decedent, William
12	Salgado as his son,
13	and Decedent,
14	William Salgado
15	always recognized
16	William Omar
17	Castillo Miranda as
18	his father. Whenever
19	William Omar
20	Castillo Miranda
21	talked to anyone
22	about Decedent,
23	William Salgado –
24	relatives, friends, or
25	strangers – he always
26	told them that
27	William Salgado is
28	57

1	his son. Castillo
2	Miranda Dec., Ex.
3	13, para. 7.
4	
5	Thus, taking all facts
6	in light most
7	favorable to
8	Plaintiffs, William
9	Omar Castillo
10	Miranda was the
11	father of William
12	Rene Salgado
13	Miranda and has
14	standing to assert all
15	claims in Plaintiffs'
16	complaint.
17	
18	William Omar
19	Castillo Miranda and
20	Osmar Antonio
21	Castillo Blandon are,
22	respectively, the
23	biological father and
24	brother of William
25	Rene Salgado
26	Miranda, saw
27	William Rene
28	58

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1	Salgado Miranda be
2	shot and killed the
3	police, and suffered
4	emotional distress as
5	a result. (citations).
6	Further, Oscar
7	Castillo was also
8	Decedent, William
9	Rene Salgado
10	Miranda's brother,
11	was directly inside
12	his apartment, heard
13	the shots and knew
14	his brother had been
15	shot, and suffered
16	emotional distress as
17	a result. (citations).
18	
19	Defendants have
20	made no attempt to
21	argue in their moving
22	papers the merits of
23	the claims, only as to
24	whether any party has
25	standing to assert
26	such a right.
27	
28	59

part.

1 22. William Castillo 2 provided the County 3 of Los Angeles 4 Recorder's Office 5 with the names of 6 Juana Miranda and 7 Inocente Salgado 8 Peralta as the parents 9 of Decedent for 10 Decedent's Death 11 Certificate. 12 Garcia Declaration, Exhibit 13 "A", Deposition of William 14 Castillo, 44:3-6, 22. 15 RJN, Ex. 2 16 17 18 19 20 21 22 23 24

25

26

27

28

Objection: lacks foundation, assumes facts as phrased, misstates facts.
Without waiving and subject to said objections, Plaintiffs respond as follows:
Undisputed in part and disputed in

Undisputed to the extent that the death certificate lists
Inocente Salgado
Peralta and Juana
Maria Miranda as the partes of Decedent
William Rene
Salgado Miranda on the death certificate.

Disputed because in fact, the death certificate lists the "informant's name,"

Objection. Defendants object to Plaintiffs' response on the grounds that it constitutes improper legal argument, contains improper legal conclusions and is generally an improper opinion-FRE 701. Defendants further object on the grounds that their response lacks foundation and authentication-FRE

901, and consists of

inadmissible hearsay-

FRE 801.

1	as "WILLIAM
2	CASTILLO,
3	FATHER."
4	(Emphasis Added).
5	(Exhibit 1 to
6	Defendants' Request
7	for Judicial Notice).
8	
9	The actual details of
10	this arrangement
11	paint a different
12	picture than what
13	Defendants seek to
14	conclude. William
15	Omar Castillo
16	Miranda testified that
17	there was no legal
18	adoption (no papers,
19	no notary), and it was
20	a situation where
21	William Rene
22	Salgado Miranda
23	stated his mother
24	(and William Rene
25	Salgado Miranda's
26	grandmother), Juana
27	Maria Miranda
28	61

1	Jimenez, wanted to
2	help him out and
3	raise him so that he
4	could work and
5	provide for the
6	family, and she
7	would give William
8	his stepfather's last
9	name "Chente".
10	(Castillo Depo, Ex. 1,
11	16:12-14, 17:4-16,
12	22-25, 18:1-6; Juana
13	Depo, Ex. 2, 8:8-15).
14	Juana Maria Miranda
15	and William Omar
16	Castillo Miranda both
17	testified that William
18	Omar Castillo
19	Miranda was the
20	biological father of
21	William Rene
22	Salgado Miranda and
23	Juana Maria Miranda
24	was the grandmother.
25	(Juana Depo, Ex. 3,
26	8:6-8, 9:21-23;
27	Castillo Depo, Ex. 2,
28	62

1	15:10-18). William
2	Omar Castillo
3	Miranda is Juana
4	Maria Miranda
5	Jimenez's son. (Juana
6	Depo, Ex. 3, 9:24-25,
7	10:1). William Omar
8	Castillo Miranda was
9	on the original birth
10	certificate and was
11	present when William
12	Rene Salgado
13	Miranda was being
14	born. (Castillo Depo,
15	Ex. 2, 16:8-12;
16	Eugenia Depo, Ex. 4,
17	12:2-4). Juana
18	wanted to 'adopt'
19	William Rene
20	Salgado Miranda to
21	make sure that he had
22	a birth certificate.
23	(Juana Depo, Ex. 3,
24	16:12-17, 23-24).
25	
26	When Decedent,
27	William Salgado was
28	63

- 1	
1	born in 1991 in
2	Nicaragua, William
3	Omar Castillo
4	Miranda was listed as
5	the biological father
6	on the original birth
7	certificate. Castillo
8	Miranda Dec., Ex.
9	13, para. 4.
10	
11	As a matter of
12	convenience, seven
13	(7) years later in
14	1998, William
15	Salgado's
16	grandparents were
17	listed on a birth
18	certificate because
19	William's natural
20	mother had left when
21	he was forty days old.
22	William Omar
23	Castillo Miranda
24	continued to remain
25	involved in William's
26	life, and he continued
27	to financially support
28	64

- 1	
1	him and the family,
2	but he needed his
3	parents' help.
4	Castillo Miranda
5	Dec., Ex. 13, para. 5.
6	
7	Decedent William
8	Salgado continued to
9	live with his father
10	William Omar
11	Castillo Miranda
12	under the same roof
13	in Nicaragua for
14	about 10 years.
15	Castillo Miranda
16	Dec., Ex. 13, para. 5.
17	
18	William Omar
19	Castillo Miranda has
20	always held out
21	Decedent, William
22	Salgado as his son,
23	and Decedent,
24	William Salgado
25	always recognized
26	William Omar
27	Castillo Miranda as
28	65

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1	his father. Whenever
2	William Omar
3	Castillo Miranda
4	talked to anyone
5	about Decedent,
6	William Salgado –
7	relatives, friends, or
8	strangers – he always
9	told them that
10	William Salgado is
11	his son. Castillo
12	Miranda Dec., Ex.
13	13, para. 7.
14	
15	Thus, taking all facts
16	in light most
17	favorable to
18	Plaintiffs, William
19	Omar Castillo
20	Miranda was the
21	father of William
22	Rene Salgado
23	Miranda and has
24	standing to assert all
25	claims in Plaintiffs'
26	complaint.
27	
28	66

1			Thus when these
2			facts are taken
3			together, it is clear
4			that if William Omar
5			Castillo Miranda
6			stated he was father,
7			was acknowledged by
8			all the immediate
9			family as the
10			biological father, and
11			the law even
12			recognizes that a
13			person can have more
14			than two parents, that
15			William Omar
16			Castillo Miranda is
17			the father of William
18			Rene Salgado
19			Miranda and has
20			standing to assert
21			claims for NIED and
22			violation of familial
23			relations under the
24			14 th Amendment.
25			
26	23.	Following the death	<u>Undisputed</u> .
27		-	

	of Decedent, William		
	Castillo, Juana		
	Miranda, Oscar		
	Castillo, and Osmar		
	Castillo filed a		
	government claim		
	with the City of		
	Huntington Park		
	("City") which was		
	received on May 1,		
	2023 ("May 1, 2023		
	Government Claim").		
RJN,	Ex. 2		
24.	Eugenia Espinoza	<u>Undisputed</u> .	
	Salmeron and Karla		
	Blandon were not		
	identified as		
	claimants on the May		
	1, 2023 Government		
	Claim submitted to		
	the City.		
RJN,	Ex. 2		
25.	Eugenia Espinoza	<u>Undisputed</u> .	
	Salmeron and Karla		
	Blandon never		
-			

1		submitted		
2		government claims.		
3	Garci	a Declaration, ¶ 9		
4		· "		
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	26.	The May 1, 2023 Government Claim did not identify Negligent Infliction of Emotional Distress as an element of the claim. Ex. 2	Objection: lacks foundation, vague, ambiguous, misstates facts and law, and calls for a legal conclusion from a lay witness. Without waiving and subject to said objections, Plaintiffs respond as follows: Disputed. On the first page of Plaintiffs' Government Claim, underlined in the first paragraph, Plaintiffs	Objection. Defendants object to Plaintiffs' response on the grounds that it constitutes improper legal argument, contains improper legal conclusions and is generally an improper opinion- FRE 701. Defendants further object on the grounds that their response lacks foundation and authentication-FRE 901, and consists of
22			assert general	inadmissible hearsay-
23			negligence against	FRE 801.
24			the Defendants.	
25 26			Exhibit No. 1, Page	
27			<i>1</i> , ¶ 1. As stated in	

1	Plaintiffs'
2	Government Claim,
3	the Plaintiffs are
4	asserting claims for
5	damages including
6	pain and suffering
7	and loss of comfort
8	and society. Exhibit
9	No. 1, Government
10	Claim, Page 2,
11	Heading 4., ¶ 2. The
12	Plaintiffs also
13	asserted in the
14	Government Claim
15	that they witnessed
16	the events and
17	shooting unfold.
18	Exhibit No. 1. The
19	Plaintiffs also
20	asserted in their
21	government claim
22	that they were
23	making State and
24	Federal claims for
25	general damages,
26	including for pain
27	and suffering, and
28	70

- 1	
1	loss of comfort and
2	society. Exhibit No.
3	1, Government
4	Claim, Page 2,
5	<i>Heading 4.,</i> ¶ <i>3, 2.</i>
6	
7	Under State Theories
8	of Liability, the
9	Plaintiffs in their
10	Government Claim
11	submitted to the
12	Defendants, list
13	negligence. Exhibit
14	No. 1, Government
15	Claim, Page 3, "State
16	Theories of
17	Liability", C.
18	
19	The purpose of a
20	Government Claim
21	under the
22	Government Claims
23	Act is "to provide the
24	public entity
25	sufficient information
26	to enable it to
27	adequately
28	71

1	investigate the claims
2	and to settle them, if
3	appropriate, without
4	the expense of
5	litigation."
6	Hernandez v. City of
7	Stockton (2023) 90
8	Cal. App. 5 th 1222,
9	1231; citing Stockett
10	v. Association of Cal.
11	Water Agencies Joint
12	Power Ins. Authority
13	(2004) 34 Cal.4 th 441,
14	446; see DiCampli-
15	Mintz v. County of
16	Santa Clara (2012)
17	55 Cal.4 th 983, 991. It
18	is not subject to the
19	same requirements as
20	pleadings in court
21	such as the Federal
22	Rules of Civil
23	Procedure, but
24	instead must follow
25	the mandatory
26	requirements of the
27	Government Claims
28	72

1	Act.
2	
3	Under the
4	Government Claims
5	Act, the Government
6	Claim must include
7	the date, place, and
8	other circumstances
9	of the occurrence or
10	transaction which
11	gave rise to the claim
12	asserted, a general
13	description of the
14	injury, damage or
15	loss incurred so far as
16	it may be known at
17	the time of
18	presentation of the
19	claim, and the name
20	or names of the
21	public employee or
22	employees causing
23	the injury, damage, or
24	loss, if known.
25	Hernandez v. City of
26	Stockton (2023) 90
27	Cal. App. 5 th 1222,
28	73

1	1231; Government
2	Claims Act, Section
3	910.
4	
5	Here, the
6	Government Claim
7	included the date,
8	October 30, 2022, the
9	exact address, and the
10	fact that it was police
11	officer employed by
12	Huntington Park
13	Police Department, a
14	part of City of
15	Huntington Park,
16	who shot and killed
17	Decedent William
18	Rene Salgado
19	Miranda. It also
20	claimed that the
21	claimants witnessed
22	the events, were
23	surviving family
24	members of the
25	Decedent, and were
26	asserting claims for
27	loss of comfort and
28	74

1	society.
2	
3	The Government
4	Claim asserted the
5	exact claims for
6	negligence, along
7	with all of the
8	supporting evidence
9	required to assert
10	negligent infliction of
11	emotional distress,
12	that Defendants' call
13	for in their MSJ.
14	Therefore,
15	Defendants' MSJ as
16	to the state claims
17	should be denied, as
18	Plaintiffs'
19	Government Claim
20	provided Defendants
21	sufficient information
22	to investigate the
23	claim. (Plaintiffs' Ex.
24	1, Government
25	Claim, and
26	Defendants' Exhibit 2
27	to Defendants'
28	75

		Request for Judicial	
		Notice).	
27.	Subsequently, on or	Objection: lacks	Objection.
	about July 29, 2024,	foundation, vague,	Defendants object to
	Plaintiffs William	ambiguous, misstates	Plaintiffs' response
	Castillo, Juana	facts and law, and	on the grounds that it
	Miranda, Eugenia	calls for a legal	constitutes improper
	Salmeron, Oscar	conclusion from a lay	legal argument,
	Castillo, Osmar	witness. Without	contains improper
	Castillo, and Karla	waiving and subject	legal conclusions and
	Blandon filed their	to said objections,	is generally an
	First Amended	Plaintiffs respond as	improper opinion-
		follows Undisputed	FRE 701. Defendants
	Complaint ("FAC")	in part and disputed	further object on the
	alleging two causes of	<u>ın part</u> .	grounds that their
	action: 1) Violation of		response lacks
	Substantive Due	Undisputed that	foundation and
	Process §1983, and 2)	Plaintiffs filed a First	authentication-FRE
	Negligent Infliction	Amended Complaint	901, and consists of
	of Emotional	on or about July 29,	inadmissible hearsay-
	Distress.	2024.	FRE 801.
Garci	a Declaration, Ex. F,		
Plain	tiffs' First Amended	<u>Disputed</u> to the	
Com	olaint	extent that this fact is	
_		proffered to suggest	
		that the Complaint	

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1	somehow does not	
2	meet the standards	
3	for alleging, or that	
4	the facts do not	
5	support, these two	
6	claims for relief – See	
7	all facts cited infra.	

Defendants Responses to Plaintiffs' Separate Statement

PLAINTIFFS'	EVIDENCE IN	DEFENDANTS'	
UNDISPUTED	SUPPORT	OBJECTIONS AND	
MATERIAL FACT		RESPONSES	
1. In November of	Deposition of William	Objection:	
1991, William	Omar Castillo Miranda	1) Lacks	
Rene Salgado	("Castillo Depo"), Ex.	Foundation and	
Miranda was	2, 15:23-25, 16:1-3,	Lack of	
born in a hospital	19:21-24; Deposition	Authentication	
in Nicaragua to	of Juana Maria	FRE 901;	
William Omar	Miranda ("Juana	2) Inadmissible	
Castillo Miranda	Depo"), Ex. 2, 9:18-19	Hearsay- FRE	
and Marcia		801, 802;	
Mendez.		3) Lack of	
		Relevance-FRE	
		401-403;	
		4) Improper	
		Opinion- FRE	
		701-702	

- 1			
1			Without waiver of the
2			foregoing objections,
3			Defendants respond as
4			follows:
5			Undisputed Plaintiff
6			William Castillo is
7			Decedent's biological
8			father, and that
9			Plaintiff testified that
10			Marcia Mendez was
11			Decedent's biological
12			mother.
13	2. William Omar	Castillo Depo, Ex. 2,	Objection:
14	Castillo Miranda	16:4-12; Deposition of	1) Lacks
15	was present in the	Eugenia Espinoza	Foundation and
16	hospital when	("Espinoza Depo"),	Lack of
17	William Rene	Ex. 4, 12:2-4;	Authentication
18	Salgado Miranda	Declaration of William	FRE 901;
19	was born and was	Omar Castillo	2) Inadmissible
20	listed on the	Miranda, Ex. 13, para.	Hearsay- FRE
21	original birth	3.	801, 802;
22	certificate.		3) Lack of
23			Relevance-FRE
24			401-403;
25			Without waiver of the
26			foregoing objections,
27			Defendants respond as
28		78	

1				follows: Undisputed
2				that Plaintiff William
3				Castillo is Decedent's
4				biological father.
5	3.	When William	Castillo Depo, Ex. 2,	Undisputed.
6		Rene Salgado	16:12-14;	
7		Miranda was 40		
8		days old, his		
9		biological mother		
10		Marcia Mendez		
11		left him and		
12		never returned,		
13		and William		
14		Omar Castillo		
15		Miranda's mom		
16		and stepdad		
17		helped him raise		
18		William Rene		
19		Salgado Miranda.		
20				
21	4.	William Rene	Castillo Depo, Ex. 2,	Undisputed.
22		Salgado Miranda	15:10-15; Declaration	
23		was the	of William Omar	
24		biological son of	Castillo Miranda, Ex.	
25		William Omar	13, para. 3.	
26		Castillo Miranda.		
27				
28			79	1

1	5.	William Omar	Castillo Depo, Ex. 2,	Undisputed.
2		Castillo Miranda	15:16-18; Juana Depo,	
3		is the biological	Ex. 3, 9:21-23;	
4		father of William	Declaration of William	
5		Rene Salgado	Omar Castillo	
6		Miranda	Miranda, Ex. 13, para.	
7			3.	
8	6.	The death	Exhibit 1 to	Undisputed.
9		certificate lists	Defendants' Request	
10		the "informant's	for Judicial Notice.	
11		name," as		
12		"WILLIAM		
13		CASTILLO,		
14		FATHER."		
15		(Emphasis		
16		Added).		
17				
18	7.	William Omar	Castillo Depo, Ex. 1,	Objection:
19		Castillo Miranda	15:16-18; Juana Depo,	1) Lacks
20		held out William	Ex. 2, 9:21-23;	Foundation and
21		Rene Salgado	Deposition of Karla	Lack of
22		Miranda as his	Vanessa Blandon	Authentication
23		son.	("Karla Depo"), Ex. 4,	FRE 901;
24			10:15-19).	2) Inadmissible
25				Hearsay- FRE
26				801, 802;
27				3) Lack of
28			80	

1			Relevance-FRE
2			401-403;
3			Without waiver of the
4			foregoing objections,
5			Defendants respond as
6			follows:
7			Undisputed that
8			Plaintiff William
9			Castillo is Decedent's
10			biological father.
11	8. When Decedent,	Castillo Miranda Dec.,	Objection:
12	William Salgado	Ex. 13, para. 4.	1) Lacks
13	was born in 1991		Foundation and
14	in Nicaragua,		Lack of
15	William Omar		Authentication
16	Castillo Miranda		FRE 901;
17	was listed as the		2) Inadmissible
18	biological father		Hearsay- FRE
19	on the original		801, 802;
20	birth certificate.		3) Lack of
21			Relevance-FRE
22			401-403;
23			4) Improper
24			Opinion- FRE
25			701-702
26			Without waiver of the
27			foregoing objections,
28		81	1

1			Defendants respond as
2			follows:
3			Undisputed that
4			Plaintiff William
5			Castillo is Decedent's
6			biological father.
7	9. As a matter of	Castillo Miranda Dec.,	Objection:
8	convenience,	Ex. 13, para. 5.	1) Lacks
9	seven (7) years		Foundation and
10	later in 1998,		Lack of
11	William		Authentication
12	Salgado's		FRE 901;
13	grandparents		2) Inadmissible
14	were listed on a		Hearsay- FRE
15	birth certificate		801, 802;
16	because		3) Lack of
17	William's natural		Relevance-FRE
18	mother had left		401-403;
19	when he was		4) Improper
20	forty days old.		Opinion- FRE
21	William Omar		701-702
22	Castillo Miranda		Without waiver of the
23	continued to		foregoing objections,
24	remain involved		Defendants respond as
25	in William's life,		follows:
26	and he continued		Undisputed that this is
27	to financially		Plaintiff's testimony.
28		82	

1	support him and		
2	the family, but he		
3	needed his		
4	parents' help.		
5			
6	10.Decedent	Castillo Miranda Dec.,	Objection:
7	William Salgado	Ex. 13, para. 5.	1) Lacks
8	continued to live		Foundation and
9	with his father		Lack of
10	William Omar		Authentication
11	Castillo Miranda		FRE 901;
12	under the same		2) Inadmissible
13	roof in Nicaragua		Hearsay- FRE
14	for about 10		801, 802;
15	years.		3) Lack of
16			Relevance-FRE
17			401-403;
18			4) Improper
19			Opinion- FRE
20			701-702
21			Without waiver of the
22			foregoing objections,
23			Defendants respond as
24			follows:
25			Undisputed that this is
26			Plaintiff's testimony.
27	11. William Omar	Castillo Miranda Dec.,	Objection:
28		83	

1	Castillo Miranda	Ex. 13, para. 7.	1) Lacks
2	has always held		Foundation and
3	out Decedent,		Lack of
4	William Salgado		Authentication
5	as his son, and		FRE 901;
6	Decedent,		2) Inadmissible
7	William Salgado		Hearsay- FRE
8	always		801, 802;
9	recognized		3) Lack of
10	William Omar		Relevance-FRE
11	Castillo Miranda		401-403;
12	as his father.		4) Improper
13	Whenever		Opinion- FRE
14	William Omar		701-702
15	Castillo Miranda		Without waiver of the
16	talked to anyone		foregoing objections,
17	about Decedent,		Defendants respond as
18	William Salgado		follows:
19	– relatives,		Undisputed that
20	friends, or		Plaintiff William
21	strangers – he		Castillo is Decedent's
22	always told them		biological father.
23	that William		
24	Salgado is his		
25	son.		
26			
27	12.Juana Maria	Juana Depo, Ex. 3,	Undisputed.
28		84	1

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1	Mendoza is the	9:24-25, 10:1; Castillo	
2	mother of	Depo, Ex. 2, 16:24-25,	
3	William Omar	17:4-5	
4	Castillo Miranda.		
5			
6	13.Juana Maria	Juana Depo, Ex. 3, 8:6-	Undisputed.
7	Mendoza is the	8; Castillo Depo, Ex. 2,	
8	grandmother of	17:4-5; Espinoza Depo,	
9	William Rene	Ex. 4, 12:11-16	
10	Salgado Miranda.		
11	14.Juana Maria	Castillo Depo, Ex. 2,	Undisputed.
12	Mendoza and her	16-12-14.	
13	husband,		
14	Inocente Salgado		
15	Peralta offered to		
16	help William		
17	Omar Castillo		
18	Miranda, and		
19	raise William		
20	Rene Salgado		
21	Miranda.		
22			
23	15.While it was	Castillo Depo, Ex. 2,	Objection:
24	called an	17:6-16, 22-25, 17:1-2	1) Lacks
25	"adoption," it		Foundation and
26	was not a legal		Lack of
27	adoption, or with		Authentication
28		85	

1	a notary or with		FRE 901;
2	signed papers;		2) Inadmissible
3	William Omar		Hearsay- FRE
4	Castillo		801, 802;
5	Miranda's mother		3) Lack of
6	offered to 'help		Relevance-FRE
7	him' so that he		401-403;
8	could help the		4) Improper
9	family		Opinion- FRE
10	financially.		701-702
11			Without waiver of the
12			foregoing objections,
13			Defendants respond as
14			follows:
15			Undisputed that
16			Plaintiff Juana Miranda
17			is Plaintiff William
18			Castillo's mother and
19			offered to adopt
20			Decedent. Also
21			undisputed that this is
22			Plaintiff's testimony.
23	16.Juana Maria	Juana Depo, Ex. 3,	Objection:
24	Miranda offered	16:12-17, 23-24	1) Lacks
25	to adopt William		Foundation and
26	Rene Salgado		Lack of
27	Miranda so that		Authentication
28		86	

1	he would not be		FRE 901;
2	left without		2) Inadmissible
3	documents i.e. a		Hearsay- FRE
4	birth certificate.		801, 802;
5			3) Lack of
6			Relevance-FRE
7			401-403;
8			4) Improper
9			Opinion- FRE
10			701-702
11			Without waiver of the
12			foregoing objections,
13			Defendants respond as
14			follows:
15			Undisputed that
16			Plaintiff Juana Miranda
17			offered to adopt
18			Decedent. Also
19			undisputed that this is
20			Plaintiff's testimony.
21	17. William Omar	Castillo Depo, Ex. 2,	Objection:
22	Castillo	15:16-18; Juana Depo,	1) Lacks
23	Miranda's family	Ex. 3, 9:21-23;	Foundation and
24	knew and	Deposition of Karla	Lack of
25	acknowledged	Vanessa Blandon	Authentication
26	that William	("Karla Depo"), Ex. 5,	FRE 901;
27	Rene Salgado	10:15-19.	2) Inadmissible
28		87	<u>ı</u>

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1	Miranda was the		Hearsay- FRE
2	son of William		801, 802;
3	Omar Castillo		3) Lack of
4	Miranda.		Relevance-FRE
5			401-403;
6			4) Improper
7			Opinion- FRE
8			701-702
9			Without waiver of the
10			foregoing objections,
11			Defendants respond as
12			follows: Undisputed
13			that William Castillo is
14			Decedent's biological
15			father.
16	18. Osmar Antonio	Osmar Depo, Ex. 6,	Undisputed.
17	Castillo Blandon	11:8-9, Juana Depo,	
18	was the brother	Ex. 3, 18:14-23;	
19	of William Rene	Declaration of Osmar	
20	Salgado Miranda,	Antonio Castillo	
21	Plaintiff, O.C.E.,	Blandon, Ex. 14, para.	
22	and Plaintiff,	2 and 3	
23	Karla Vanessa		
24	Blandon.		
25			
26			
27			
28		88	1

1	19. O.C.E. was the	O.C.E. Depo, Ex. 7,	Undisputed.
2	brother of	67:3-5; Karla Depo,	
3	William Rene	Ex. 5, 10:9-11, 15-19	
4	Salgado Miranda,		
5	Plaintiff, Osmar		
6	Antonio Castillo		
7	Blandon, and		
8	Plaintiff, Karla		
9	Vanessa Blandon.		
10			
11	20. Decedent,	Karla Depo, Ex. 5,	Undisputed.
12	William Rene	10:9-11, 15-19; Juana	
13	Salgado Miranda,	Depo, Ex. 3, 18:14-23	
14	Plaintiff, Osmar		
15	Antonio Castillo		
16	Blandon and		
17	Plaintiff, O.C.E.		
18	are the brothers		
19	of Plaintiff, Karla		
20	Vanessa Blandon.		
21			
22	21. Karla Vanessa	Karla Depo, Ex. 5,	Objection:
23	Blandon had no	24:5-10	1) Lacks
24	knowledge that		Foundation and
25	William Rene		Lack of
26	Salgado Miranda		Authentication
27	was ever adopted,		FRE 901;
28		89	1

1	and was never		2) Improper
2	told as such by		Hearsay- FRE
3	anyone.		801, 802;
4			3) Lack of
5			Relevance-FRE
6			401-403;
7			4) Improper
8			Opinion- FRE
9			701-702
10			Without waiver of the
11			foregoing objections,
12			Defendants respond as
13			follows: Undisputed
14			that this is Plaintiff's
15			testimony.
16	22.On and prior to	Castillo Depo, Ex. 1,	Objection:
17	October 30, 2022,	34:3-10, 37:24-25,	1) Lacks
18	William Rene	38:1-3; Oscar Depo,	Foundation and
19	Salgado Miranda	Ex. 6, 16:19-25; Osmar	Lack of
20	resided with	Depo, Ex. 5, 30:16-25;	Authentication
21	Plaintiffs,	Karla Depo, Ex. 4,	FRE 901;
22	William Omar	13:7-13, 14:2-4, 13-17;	2) Improper
23	Castillo Miranda,	Declaration of Osmar	Hearsay- FRE
24	Eugenia	Antonio Castillo	801, 802;
25	Espinoza, Osmar	Blandon, Ex. 14, para.	3) Lack of
26	Antonio Castillo	5.	Relevance-FRE
27	Blandon, and		401-403;
28		90	

- 1			
1	O.C.E. in the		4) Improper
2	apartment located		Opinion- FRE
3	at 6315 Malabar		701-702
4	Avenue, City of		Without waiver of the
5	Huntington Park,		foregoing objections,
6	and had done so		Defendants respond as
7	since 2021 (and		follows: Undisputed
8	perhaps earlier).		that Decedent lived
9			with Eugenia Espinoza
10			Salmeron, Osmar
11			Castillo, O.C.E, and
12			William Castillo at the
13			time of his death on
14			October 30, 2022.
15	23. Plaintiffs,	Castillo Depo, Ex. 2,	Objection:
16	Eugenia Espinoza	12:19-25, 13:2-9,	1) Lacks
17	and O.C.E. were	79:11-13, 81:23-25,	Foundation and
18	inside their	82:1-4; Declaration of	Lack of
19	apartment and	William Omar Castillo	Authentication
20	heard, and	Miranda, Ex. 13, para.	FRE 901;
21	Plaintiffs,	9; Osmar Depo, Ex. 6,	2) Inadmissible
22	William Omar	14:21-25, 15:1-13,	Hearsay- FRE
23	Castillo Miranda	47:10-16, 55:10-12,	801, 802;
24	and Plaintiff,	23-25, 56:1-9, 14-19;	3) Lack of
25	Osmar Antonio	Declaration of Osmar	Relevance-FRE
26	Castillo Blandon,	Antonio Castillo	401-403;
27	were standing	Blandon, Ex. 14, para.	4) Improper
28		91	

1	outside on a	6; O.C.E. Depo, Ex. 7,	Opinion- FRE
2	balcony above	40:19-22, 45:23-25,	701-702
3	the Incident and	46:1, 64:12-17, 65:2-	Without waiver of the
4	watched, William	19, 66:24-25, 67:1-21;	foregoing objections,
5	Rene Salgado	Espinoza Depo, Ex. 4,	Defendants respond as
6	Miranda be shot	42:1-10, 63:11-14.	follows:
7	and killed.		Undisputed that this is
8			Plaintiff's testimony,
9			but this is irrelevant
10			material and outside of
11			the scope of
12			Defendants' Motion as
13			to the issue of NIED.
14			Therefore, this should
15			be excluded.
16	24. Plaintiff, Osmar	Osmar Depo, Ex. 6,	Objection:
17	Antonio Castillo	31:4-6; Declaration of	1) Lacks
18	Blandon, and	Osmar Antonio	Foundation and
19	William Rene	Castillo Blandon, Ex.	Lack of
20	Salgado Miranda	14, para. 10 and 11.	Authentication
21	were brothers and		FRE 901;
22	were close.		2) Inadmissible
23			Hearsay- FRE
24			801, 802;
25			3) Lack of
26			Relevance-FRE
27			401-403;
28		92	

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1			4) Improper
2			Opinion- FRE
3			701-702
4			Without waiver of the
5			foregoing objections,
6			Defendants respond as
7			follows: Undisputed
8			that this is Plaintiff's
9			testimony, but the
10			closeness of Plaintiff's
11			relationship to
12			Decedent is irrelevant
13			and outside the scope
14			of Defendants' Motion.
15			Therefore, this
16			evidence should be
17			excluded.
18	25. Plaintiff, O.C.E.	O.C.E. Depo, Ex. 7,	Objection:
19	and William	66:24-25, 67:1-21	1) Lacks
20	Rene Salgado		Foundation a
21	Miranda were		FRE 901;
22	brothers and were		2) Inadmissible
23	very close.		Hearsay- FRE
24			801, 802;
25			3) Lack of
26			Relevance-FRE
27			401-403;
28		93	

П			
			4) Improper
			Opinion- FRE
			701-702
			Without waiver of the
			foregoing objections,
			Defendants respond as
			follows: Undisputed
			that this is Plaintiff's
			testimony, but the
			closeness of Plaintiff's
			relationship to
			Decedent is irrelevant
			and outside the scope
			of Defendants' Motion.
			Therefore, this
			evidence should be
			excluded.
	26.Plaintiff, O.C.E.	O.C.E. Depo, Ex. 7,	Objection:
	was inside his	40:19-25; 41:1-14;	1) Lacks
	apartment with	Castillo Depo, Ex. 2,	Foundation and
	his mother,	12:19-25, 13:2-9,	Lack of
	Plaintiff Eugenia	79:11-13, 81:23-25,	Authentication
	Espinoza located	82:1-4; Declaration of	FRE 901;
	at 6315 Malabar	William Omar Castillo	2) Inadmissible
	Avenue, City of	Miranda, Ex. 13, para.	Hearsay- FRE
	Huntington Park	9; Osmar Depo, Ex. 6,	801, 802;
	when the shots	14:21-25, 15:1-13,	3) Lack of
		94	_

were fired., his	47:10-16, 55:10-12,	Relevance-FRE
father and his	23-25, 56:1-9, 14-19;	401-403;
brother Osmar	Declaration of Osmar	4) Improper
was outside and	Antonio Castillo	Opinion- FRE
standing on the	Blandon, Ex. 14, para.	701-702
balcony.	6	Without waiver of the
		foregoing objections,
		Defendants respond as
		follows:
		Undisputed that this is
		Plaintiff's testimony,
		but this is irrelevant
		material and outside of
		the scope of
		Defendants' Motion as
		to the issue of NIED.
		Therefore, this should
		be excluded.
27.Plaintiff, O.C.E.	Oscar Depo, Ex. 7,	Objection:
heard the shots	42:3-10, 65:2-11, 16-	1) Lacks
fired and knew	19, 66:24-25, 67:1-21	Foundation-FRE
immediately it		901;
was his brother,		2) Inadmissible
William Rene		Hearsay- FRE
Salgado Miranda		801, 802;
who had been		3) Lack of
shot because		Relevance-FRE
	95	

1	William was the		401-403;
2	only one in the		4) Improper
3	area below with		Opinion- FRE
4	the police		701-702;
5	officers, and went		5) Lack of Personal
6	to the window of		Knowledge-
7	his apartment		FRE 601-606
8	after the shots		Without waiver of the
9	were fired to look		foregoing objections,
10	out.		Defendants respond as
11			follows:
12			Undisputed that this is
13			Plaintiff's testimony,
14			but this is irrelevant
15			material and outside of
16			the scope of
17			Defendants' Motion as
18			to the issue of NIED.
19			Therefore, this should
20			be excluded.
21	28. Juana Maria	Juana Depo, Ex. 3,	Objection:
22	Miranda talked to	28:8-14	1) Lacks
23	her grandson,		Foundation FRE
24	William Rene		901;
25	Salgado Miranda		2) Improper
26	on a daily basis		Hearsay- FRE
27	after he turned		801, 802;
28		96	<u>I</u>

1	18, and bought		3) Lack of
2	him a cellphone.		Relevance-FRE
3			401-403;
4			Without waiver of the
5			foregoing objections,
6			Defendants respond as
7			follows: Undisputed
8			that this is Plaintiff's
9			testimony.
10	29. William Omar	Declaration of William	Objection:
11	Castillo Miranda	Omar Castillo	1) Lacks
12	was scared to	Miranda, Ex. 13, para.	Foundation and
13	death, and	8	Lack of
14	incredibly		Authentication
15	stressed out, at		FRE 901;
16	the sight of		2) Improper
17	seeing the		Hearsay- FRE
18	officers shooting		801, 802;
19	his son. He still		3) Lack of
20	struggles with the		Relevance-FRE
21	idea of seeing his		401-403;
22	child get shot.		4) Improper
23	He felt		Opinion- FRE
24	completely		701-702
25	helpless because		Without waiver of the
26	they are the		foregoing objections,
27	authority.		Defendants respond as
28		97	1

1	Everything came		follows:
2	at him at once.		Undisputed that this is
3	He wanted to run		Plaintiff's testimony,
4	to his son and		but this is irrelevant
5	knew that he		material and outside of
6	could not help		the scope of
7	him in any way.		Defendants' Motion as
8	An anxiety that		to the issue of NIED.
9	he cannot		Therefore, this should
10	explain, the		be excluded.
11	feeling of		
12	anguish. He felt		
13	so much pain that		
14	he does not know		
15	if it was pain or		
16	anger. He could		
17	not believe and		
18	he still does not		
19	understand.		
20			
21			
22			
23	30. The night of the	Declaration of William	Objection:
24	shooting, William	Omar Castillo	1) Lacks
25	Omar Castillo	Miranda, Ex. 13, para.	Foundation and
26	Miranda could	9	Lack of
27	not sleep. He		Authentication
20		l	<u> </u>

1	stayed up	FRE 901;
2	thinking about	2) Inadmissible
3	how awful his	Hearsay- FRE
4	son had been	801, 802;
5	treated. This	3) Lack of
6	stress and anxiety	Relevance-FRE
7	that he was	401-403;
8	feeling watching	4) Improper
9	his son get shot,	Opinion- FRE
10	and later that	701-702
11	evening, and	Without waiver of the
12	even up to today,	foregoing objections,
13	is far beyond any	Defendants respond as
14	kind of stress or	follows:
15	anxiety he has	Undisputed that this is
16	ever experienced	Plaintiff's testimony,
17	in his life. He	but this is irrelevant
18	was trembling,	material and outside of
19	thinking about	the scope of
20	how he watched	Defendants' Motion as
21	my son die before	to the issue of NIED.
22	his eyes. At	Therefore, this should
23	some point in	be excluded.
24	time after his son	
25	was shot, the	
26	police asked him	
27	if he knew who	
28		99

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1	William Salgado		
2	was. He replied		
3	that he was his		
4	son.		
5			
6	31. William Omar	Declaration of William	Objection:
7	Castillo Miranda	Omar Castillo	1) Lacks
8	misses his son so	Miranda, Ex. 13, para.	Foundation-FRE
9	much. His son	10	901;
10	William was such		2) Inadmissible
11	a happy person.		Hearsay- FRE
12	His son William		801, 802;
13	loved to dance,		3) Lack of
14	he always		Relevance-FRE
15	danced. He		401-403;
16	remembers		4) Improper
17	walking with		Opinion- FRE
18	William at a		701-702
19	construction site		Without waiver of the
20	and William was		foregoing objections,
21	playing loud		Defendants respond as
22	music and was		follows:
23	just dancing and		Undisputed that this is
24	walking. He has		Plaintiff's testimony,
25	all these beautiful		but this is irrelevant
26	memories and he		material and outside of
27	knows he will		the scope of
28		100	

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1	never experience		Defendants' Motion as
2	those moments		to the issue of NIED.
3	again, but they		Therefore, this should
4	have to give up		be excluded.
5	that hope of		
6	having William		
7	here because we		
8	are just left with		
9	memories. Now		
10	they rarely listen		
11	to music that		
12	William enjoyed,		
13	because it only		
14	reminds them of		
15	what they lost,		
16	and makes them		
17	anxious, stressed		
18	out, and he		
19	relives that awful		
20	day. William		
21	would come		
22	home and ask me		
23	if I needed		
24	anything.		
25			
26	32. Now that his son	Declaration of William	Objection:
27	William is gone,	Omar Castillo	1) Lacks
28		101	

DEFENDANTS' OBJECTIONS AND RESPONSES TO PLAINTIFFS' SEPARATE STATEMENT OF UNCONTROVERTED FACTS IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT

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1	there is an	Miranda, Ex. 13, para.	Foundation and
2	emptiness that	11	Lack of
3	can't be filled.		Authentication
4	They try to		FRE 901;
5	pretend like		2) Inadmissible
6	they're okay, but		Hearsay- FRE
7	it is so hard on all		801, 802;
8	of them to keep it		3) Lack of
9	together. One of		Relevance-FRE
10	the reasons		401-403;
11	William Omar		4) Improper
12	Salgado Miranda		Opinion- FRE
13	thinks he is so		701-702
14	anxious, upset		Without waiver of the
15	and stressed out		foregoing objections,
16	about William		Defendants respond as
17	being gone is that		follows:
18	he saw William's		Undisputed that this is
19	life taken right in		Plaintiff's testimony,
20	front of him and		but this is irrelevant
21	he will never be		material and outside of
22	able to forget it,		the scope of
23	and it will bother		Defendants' Motion as
24	him forever.		to the issue of NIED.
25			Therefore, this should
26			be excluded.
27	33. William Omar	Declaration of William	Objection:
28		102	

1	Castillo Miranda	Omar Castillo	1) Lacks
2	will be at the	Miranda, Ex. 13, para.	Foundation and
3	store and he will	12	Lack of
4	check to see		Authentication
5	where William is,		FRE 901;
6	and then he again		2) Inadmissible
7	remembers he is		Hearsay- FRE
8	empty and		801, 802;
9	William is not		3) Lack of
10	here. His world		Relevance-FRE
11	has come to ruin.		401-403;
12	These feelings		4) Improper
13	will never go		Opinion- FRE
14	away and they		701-702
15	will never stop		Without waiver of the
16	thinking of		foregoing objections,
17	William. His son		Defendants respond as
18	William has been		follows:
19	gone for over two		Undisputed that this is
20	years, and he still		Plaintiff's testimony,
21	has so much pain.		but this is irrelevant
22			material and outside of
23			the scope of
24			Defendants' Motion as
25			to the issue of NIED.
26			Therefore, this should
27			be excluded.
28		103	

1	34. When Osmar	Declaration of Osmar	Objection:
2	Antonio Castillo	Antonio Castillo	1) Lacks
3	Blandon's	Blandon, Ex. 14, para.	Foundation and
4	brother, William	6	Lack of
5	Salgado, was in		Authentication
6	the courtyard of		FRE 901;
7	the apartment		2) Inadmissible
8	with the police,		Hearsay- FRE
9	he was so		801, 802;
10	worried for him.		3) Lack of
11	He saw his		Relevance-FRE
12	brother, William		401-403;
13	Salgado, shot		4) Improper
14	dead by the		Opinion- FRE
15	police and it was		701-702
16	so hard to watch		Without waiver of the
17	his own brother		foregoing objections,
18	killed in front of		Defendants respond as
19	him and not be		follows:
20	able to do		Undisputed that this is
21	anything.		Plaintiff's testimony,
22			but this is irrelevant
23			material and outside of
24			the scope of
25			Defendants' Motion as
26			to the issue of NIED.
27			Therefore, this should
28		104	

1			be excluded.
2	35. Osmar Antonio	Declaration of Osmar	Objection:
3	Castillo Blandon	Antonio Castillo	1) Lacks
4	was scared and	Blandon, Ex. 14, para.	Foundation and
5	panicked, and he	7	Lack of
6	didn't know what		Authentication
7	to do. He was		FRE 901;
8	also worried for		2) Inadmissible
9	his stepmom and		Hearsay- FRE
10	his little brother.		801, 802;
11	Watching his dad		3) Lack of
12	be so worried and		Relevance-FRE
13	anxious was very		401-403;
14	hard.		4) Improper
15			Opinion- FRE
16			701-702
17			Without waiver of the
18			foregoing objections,
19			Defendants respond as
20			follows:
21			Undisputed that this is
22			Plaintiff's testimony,
23			but this is irrelevant
24			material and outside of
25			the scope of
26			Defendants' Motion as
27			to the issue of NIED.
28		105	

1			Therefore, this should
2			be excluded.
3	36. While the officers	Declaration of Osmar	Objection:
4	were all talking	Antonio Castillo	1) Lacks
5	in English,	Blandon, Ex. 14, para.	Foundation and
6	Osmar Antonio	8	Lack of
7	Castillo Blandon		Authentication
8	couldn't		FRE 901;
9	understand why		2) Inadmissible
10	they shot his		Hearsay- FRE
11	brother William		801, 802;
12	Salgado and then		3) Lack of
13	he saw his		Relevance-FRE
14	brother, William		401-403;
15	Salgado, fall to		4) Improper
16	the ground. He		Opinion- FRE
17	saw his brother,		701-702
18	William Salgado,		Without waiver of the
19	lying on the		foregoing objections,
20	ground and		Defendants respond as
21	officers rushed		follows:
22	in on top of him.		Undisputed that this is
23			Plaintiff's testimony,
24			but this is irrelevant
25			material and outside of
26			the scope of
27			Defendants' Motion as
28		106	

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1			to the issue of NIED.
2			Therefore, this should
3			be excluded.
4	37. The officers told	Declaration of Osmar	Objection:
5	them to go to	Antonio Castillo	1) Lacks
6	their apartment,	Blandon, Ex. 14, para.	Foundation and
7	and this was not	9	Lack of
8	fair. Then Osmar		Authentication
9	Antonio Castillo		FRE 901;
10	Blandon was		2) Inadmissible
11	right behind his		Hearsay- FRE
12	dad, and he was		801, 802;
13	leaning on him		3) Lack of
14	and his stepmom		Relevance-FRE
15	fell on the floor		401-403;
16	and he went to		4) Improper
17	pick his stepmom		Opinion- FRE
18	up, and then he		701-702
19	saw his brother,		Without waiver of the
20	William Salgado,		foregoing objections,
21	on the gurney		Defendants respond as
22			follows:
23			Undisputed that this is
24			Plaintiff's testimony,
25			but this is irrelevant
26			material and outside of
27			the scope of
28		107	

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1			Defendants' Motion as
2			to the issue of NIED.
3			Therefore, this should
4			be excluded.
5	38. Osmar Antonio	Declaration of Osmar	Objection:
6	Castillo Blandon	Antonio Castillo	1) Lacks
7	looked over at his	Blandon, Ex. 14, para.	Foundation and
8	dad, and he was	10	Lack of
9	trembling, and he		Authentication
10	was also in		FRE 901;
11	shock. They		2) Inadmissible
12	were so desperate		Hearsay- FRE
13	and so upset		801, 802;
14	about how		3) Lack of
15	everything		Relevance-FRE
16	happened. He		401-403;
17	was in shock that		4) Improper
18	this happened,		Opinion- FRE
19	and it was hard		701-702
20	for him to		Without waiver of the
21	understand that		foregoing objections,
22	his brother was		Defendants respond as
23	dead although he		follows:
24	knew it was true		Undisputed that this is
25	because he saw		Plaintiff's testimony,
26	his brother hit by		but this is irrelevant
27	the shots, he		material and outside of
28		108	<u>ı</u>

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1	heard the shots,		the scope of
2	and he saw his		Defendants' Motion as
3	brother lying on		to the issue of NIED.
4	the ground.		Therefore, this should
5			be excluded.
6			
7	39.Osmar Antonio	Declaration of Osmar	Objection:
8	Castillo Blandon	Antonio Castillo	1) Lacks
9	saw his brother,	Blandon, Ex. 14, para.	Foundation and
10	William Salgado	11	Lack of
11	was killed, and		Authentication
12	even though it		FRE 901;
13	has been a couple		2) Inadmissible
14	of years it is like		Hearsay- FRE
15	it just happened.		801, 802;
16	He remember his		3) Lack of
17	brother while he		Relevance-FRE
18	is in the living		401-403;
19	room, looking at		4) Improper
20	William's		Opinion- FRE
21	picture. He try to		701-702
22	grieve William,		Without waiver of the
23	but he is alone		foregoing objections,
24	now. No more		Defendants respond as
25	William blasting		follows:
26	his music here at		Undisputed that this is
27	home, no more		Plaintiff's testimony,
28		109	

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,	. 11: 1	
1	talking about	but this is irrelevant
2	their lives	material and outside of
3	together or their	the scope of
4	plans. Even to	Defendants' Motion as
5	this day, he get so	to the issue of NIED.
6	upset and nervous	Therefore, this should
7	about what	be excluded.
8	happened. It is	
9	so hard to lose a	
10	brother and to	
11	watch him get	
12	killed in such a	
13	terrible way. The	
14	feelings of	
15	anxiety, stress,	
16	and fear that he	
17	feels because of	
18	having seen his	
19	brother get shot	
20	right in front of	
21	him are far	
22	beyond any kind	
23	of stress he has	
24	ever felt in his	
25	life. These	
26	feelings are still	
27	with him, even	
28	1	10

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1	now.		
2			
3	40. The birth	Birth Certificate of	Objection:
4	certificate issued	Decedent William	1) Prejudicial FRE
5	for the decedent	Salgado at Ex. 15 of	403-Defendants
6	William Salgado	the Declaration of Kent	object to this
7	lists Plaintiff	M. Henderson date	evidence on the
8	William Castillo	March 17, 2025.	ground that it
9	Miranda as the		was not
10	biological/natural		produced in
11	father of decedent		discovery and
12	William Salgado.		the admission of
13			such evidence
14			would be
15			prejudicial to
16			Defendants.
17			2) Lack of Personal
18			Knowledge FRE
19			601-606;
20			3) Lacks
21			Foundation and
22			Lack of
23			Authentication
24			FRE 901;
25			4) Improper
26			Hearsay- FRE
27			801, 802
28		111	

	Undisputed that
	William Castillo is
	the biological father
	of Decedent.
Dated: March 18, 2025	ALVAREZ-GLASMAN & COLVIN ARNOLD M. ALVAREZ-GLASMAN
	CITY ATTORNEY
	/s/ Christy M. Garcia, Esquire
	Christy M. Garcia Attorneys for Defendants
	City of Huntington Park, Nick Nichols,
	Rene Reza, Matthew Rincon, April Wheeler, Sa
	Rodriguez, and Jose A. Yamasaki
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DEFENDANTS' OBJECTIONS AND RESPONSES TO PLAINTIFFS' SEPARATE STATEMENT OF UNCONTROVERTED FACTS IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT